IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No.531 of 2001

Ms Punam Murlidharrao Shripat Petitioner.
vs
The State of Maharashtra & Ors. ..Respondents

Mr R.K.Mendadkar for the petitioner.

Mr C.R. Sonawane Addl.G P for respondent No.2

CORAM: H.S. BEDI, C.J. , &
V.M.KANADE, J.

DATE: 6th November, 2006.

P.C.:-

The order at Exhibit C which has been made by the Caste Scrutiny Committee, invalidating the caste claim of the petitioner as belonging to the Halbi Scheduled Tribe, has been impugned in this petition.

2. It appears that on an application made by the father of the petitioner, a caste validity certificate was issued on 30.5.1998 by the Sub-Divisional Officer, Achalpur, District Amravati. As the petitioner intended to go in for higher studies after having cleared the XII Standard Examination, she made an application to respondent No.2 for verification of the certificate and furnished several documents including a certificate

pertaining to the year 1934 with regard to her grand father as belonging to the Halbi Scheduled Tribe.

3. The matter was accordingly referred by the Scrutiny Committee to the vigilance cell, which in its report submitted to the Scrutiny Committee observed that the petitioner belonged to the Koshti caste as several of her relatives had been shown as belonging to that caste. It appears that a copy of the report of the vigilance cell was also served on the petitioner and she was heard in the matter. The Scrutiny Committee thereafter on 18.5.1999 invalidated the caste claim of the petitioner as belonging to the Halbi Scheduled Tribe.

4. The learned counsel for the petitioner has pointed out that the primary document on which reliance had been placed by the petitioner had been referred to at Srl no.10 in the impugned order (and the certified copy whereof appended on page 28 of the paper book) and has argued that this certificate which pertained to the grand father of the petitioner Laxman Chandrabhan had been issued by the Head Master of the primary school where he had studied and identified him as belonging to the Halbi caste and that he had been born on 30.3.1923 and has submitted that on the face of this document,

which was of a period prior to the Order of 1950, no other evidence was relevant to the matter. He also argued that the so called reference in the order of the Committee to the relatives of the petitioner as being Koshti by caste was misplaced as the said persons were not even related to the petitioner.

5. The learned Addl. Government Pleader, however, pointed out that the Caste Scrutiny Committee had taken into account not only the report of the vigilance cell but also circumstantial evidence on record and as such there was no substance in the pleas raised by the petitioner.

6. We have heard the learned counsel for the parties and gone through the record. The committee has given its findings on the basis of the report of the vigilance cell with regard to the relatives of the petitioner as belonging to the Koshti caste. The evidence adduced by the petitioner and in particular the certificate mentioned at Srl No.10 of the impugned order and appended on page 28 of the paper book with respect to the date of birth i.e. 30.3.l923 of her grand father and as a member of the Halbi Scheduled Tribe finds only a passing mention. It appears that a large number of documents appended with the petition which were also on the record of the Committee have

not been considered. We are accordingly of the opinion that the order impugned at Exh C cannot be sustained. We accordingly quash and set aside the impugned order and remit the matter to the Caste Scrutiny Committee yet again for final decision which will be taken within a period of six weeks from today. In case the committee decides in favour of the petitioner, the necessary certificate will be issued to the petitioner forthwith. The petitioner shall appear before the Committee along with a copy of this order on 25.11.2006.

Civil application No. 1161 of 2003 also stands disposed of.

CHIEF JUSTICE

V.M.KANADE, J.